

FROM W&C LLP 19TH FL

(WED) 5.19'04 12:36/ST. 12:36/N0. 4260454376 P 1

1103326-0250 (CON)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Depui, et al.
Serial No. : 10/620,000
Filed : July 14, 2003
For : ORAL PHARMACEUTICAL DOSAGE FORMS
COMPRISING A PROTON PUMP INHIBITOR
AND A NSAID
Examiner : Spear, J.
Group Art Unit : 1615

**RECEIVED
CENTRAL FAX CENTER**

MAY 19 2004

**RECEIVED
CENTRAL FAX CENTER**

MAY 19 2004

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. 1.8

I hereby certify that this paper is being facsimile-transmitted to the U.S. Patent and Trademark Office on 19 May 2004 at the facsimile number 703-872-9306.

John M. Genova

32,224

Agent Name

PTO Reg. No.

John M. Genova

19 May 2004

Signature

Date of Signature

OFFICE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ATTENTION: Examiner James Spear
DATE: XXXXXXXXXX
NUMBER OF PAGES: 3
FAX NUMBER: 703-872-9306

TERMINAL DISCLAIMER

Sir:

AstraZeneca, a corporation created and existing under the laws of Sweden, and having a business address at S-151 85 Södertälje, Sweden, hereby through its undersigned agent, 05/26/2004 MAY 26 2004 12:36:54 PM (Eastern Daylight Time) of AstraZeneca, represents that AstraZeneca is the owner of 01 FC:1814 the entire right, title and interest of the above-identified U.S. Patent Application Serial No. 10/620,000 and US 6365,184 by Assignment recorded on February 13, 1997, at Reel 9029/Reel

0319. The originally recorded assignment is in the name of Astra Aktiebolag. A change of corporate name from Astra Aktiebolag to AstraZeneca was recorded on January 18, 2002 at Reel 012494, Frame 0470.

AstraZeneca, by its undersigned agent, states that all evidentiary documents have been reviewed and certifies that, to the best of its knowledge and belief, title to U.S. Patent Application Serial No. 10/620,000 and US 6,365,184 is in AstraZeneca. The inventions claimed in U.S. Patent Application Serial No. 10/620,000 and US 6,365,184 were commonly owned by AstraZeneca at the time the later invention was made.

AstraZeneca hereby disclaims, except as provided below, the terminal portion of the statutory term of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term as defined in 35 U.S.C. §§154 to 156 and 173 of US 6,365,184 as presently shortened by any terminal disclaimer. AstraZeneca hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period it and US 6,365,184 are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 to 156 and 173 of US 6,365,184, as presently shortened by terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims

canceled by a reexamination certificate, is reissued or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Authorization is hereby given to charge Deposit Account No. 23-1703 in the amount of One Hundred and Ten Dollars (\$110.00) to cover the fee as required by 37 C.F.R. §1.20(d) and for any other fee that may be required in connection with this communication.

Dated: May 19, 2004

Respectfully submitted,

John M. Genova
John M. Genova
Reg. No. 32,224
Attorney for Applicants

Client No. 007470
Attorney Direct Dial (212) 819-8832